

REMARKS

Claims 8, 10 and 11 are pending in this application. By this Amendment, claims 8 and 11 have been amended and claims 1-7, 9 and 12-13 have been canceled without prejudice. It is respectfully submitted that no new matter has been added.

I. CLAIM OBJECTIONS

The examiner objected to claim 4 based upon a recitation having improper antecedent basis. Since claim 4 has been canceled, this objection is now moot.

II. 35 USC § 102 CLAIM REJECTION

Claims 1-13 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,596,712 to Tsuyama et al., (hereinafter the '712 patent).

As previously mentioned, claims 1-7, 9 and 12-13 have been cancelled without prejudice, thus the above rejection to these claims are now moot.

The only remaining independent claim in this application are claims 8 and 11, which have each been amended to include the recitation: *applying said data to a plurality of filters wherein each filter is user configured to recognize a specific error in said machine.* Thus, the present invention utilizes user configured filters, each configured to recognize a specific fault for diagnosing proper, or improper, operation of a machine.

With regards to the '712 patent, it discloses "a fault tree . . . contain[ing] in the design specifications such as those of the structure and the characteristics of an apparatus or machine of concern . . ." See Col. 7, lines 41-50 of the '712 patent. It is submitted that a fault tree having "characteristics of an apparatus" does not anticipate the recited filters of independent claims 8 and 11.

Accordingly, independent claims 1 and 8, along with its depending claim (namely, claim 10) patentably distinguishes from the '712 patent and it is respectfully submitted removal of this rejection is warranted.



III. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that pending claims 8, 10 and 11 are now in a condition for allowance and favorable action thereon is requested. If the Examiner should have any questions, he is kindly urged to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher J. Capelli".

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